

FINAL
A G E N D A
7:30 PM

CANTON CITY COUNCIL

JANUARY 7, 2013

ROLL CALL: Eleven Members Present

MOTION TO EXCUSE MEMBERS: Member Dougherty Absent

INVOCATION: Joseph Cole, Council-at-Large

PLEDGE OF ALLEGIANCE: President Allen Schulman

AGENDA CORRECTIONS & CHANGES: (Suspended Rule 22A to add 1st Rdg O#2; 2nd Rdg O#3 - O#5; O#2 Adopted on 1st Rdg; O#6 and O#8 Postponed until 1/14/13)

PUBLIC HEARINGS: None

OLD BUSINESS (PUBLIC SPEAKS): None

PUBLIC SPEAKS (CITY BUSINESS): James Parker discussing leachate pipeline and the need for Ordinance to be thought through and not always passed on an emergency basis. Contingency planning is never done as an emergency. Chuck Osborne has a stake in Canton's water as a resident of North Canton. He discussed a 2007 newspaper article about the city of Alliance accepting leachate that was filled with cuttings and caused them problems. Renee Bogue had 35 years of service with the Perry Schools and always asked her students to verify credentials. When looking at the leachate issue she does not see any backup on any studies or credentials for the persons providing these statistics. Was there any study on Nimishillen Creek? The history of Stark County may be written again when future generations ask who poisoned the creek. Dan Lincoln says that drilling waste that is headed to the landfills contains TDS. There are very high concentrations of toxins and issues with how to dispose of these pollutants. The unknown items that are within these fluids are to be feared as well. With the quantity that may be dumped, it is impossible to tell what may happen. William Turner thanked Council for allowing him to come and voice his concerns about the violence in the schools and the neighborhoods. Many in the community are concerned with the actions throughout the country and he needs to know that when the children attend school they are safe. He will be coming to Council periodically and wants all to know that he and others are willing to help and feels that change can happen when they all work together.

INFORMAL RESOLUTIONS:

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| 1. | CNCL-AT-LRG MBRS BABCOCK & COLE; WARD CNCL MBRS HAWK, WEST, GRIFFIN, SMITH, FISHER, DOUGHERTY, MARIOL & MORRIS: | SUPPORTING THE WELLS REDEVELOPMENT PROJECT. - ADOPTED |
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COMMUNICATIONS:

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| 1. | AUDITOR MALLONN: | REQ FOR ADDTL AMENDED CERT DATED 12/12/12. - RECEIVED & FILED |
| 2. | AUDITOR MALLONN: | REQ FOR ADDTL AMENDED CERT DATED 12/19/12. - RECEIVED & FILED |
| 3. | AUDITOR MALLONN: | MONTHLY RPT BY FUND 12/1/12 - 12/31/12. - RECEIVED & FILED |
| 4. | AUDITOR MALLONN: | YRLY RPT BY FUND 1/1/12 - 12/31/12. - RECEIVED & FILED |
| 5. | CNCL-AT-LRG MBR CIRELLI: | REQ CITY TO HIRE AN INDEPENDENT FORENSIC AUDITOR TO AUDIT CANTON COMMUNITY IMPROVEMENT CORP; REQ THAT AUDIT BE PAID FOR BY CCIC. - PERSONNEL & FINANCE COMMITTEES |
| 6. | LIQUOR CONTROL DIVISION (OHIO): | REQ NEW C1 C2 LIQ PERMIT FOR LILO OIL INC DBA BP MARKET AV @ 1200 N MARKET AV. - RECEIVED & FILED |
| 7. | LIQUOR CONTROL DIVISION (OHIO): | REQ TRANSFER D2 D2X & D3 LIQ PERMIT FROM BUCKEYE CLUB 11 DBA BUCKEYE CLUB 11 @ 1537 HARRISON AVE SW TO DAVE KIEFFER @ 1537 HARRISON AVE SW. - RECEIVED & FILED |
| 8. | MAYOR HEALY: | ADVISE OF RE-APPT OF TERRY PRATER TO BOARD OF PARK COMMISSIONERS FOR 3 YR TERM EFFECTIVE 1/1/13 - 12/31/15. - RECEIVED & FILED |
| 9. | MAYOR HEALY: | ADVISE OF RE-APPT OF AUDREY LAVIN TO CANTON CITY PLANNING COMMISSION FOR 6 YR TERM EFFECTIVE 1/1/13 - 12/31/18. - RECEIVED & FILED |
| 10. | MAYOR HEALY: | ADVISE OF RE-APPT OF AMANDA STEWART TO CANTON CITY PLANNING COMMISSION FOR 6 YR TERM EFFECTIVE 1/1/13 - 12/31/18. - RECEIVED & FILED |
| 11. | MAYOR HEALY: | ADVISE OF RE-APPT OF JEFFREY MCDANIELS TO STARK METROPOLITAN HOUSING AUTHORITY BOARD OF COMMISSIONERS FOR 5 YR TERM EFFECTIVE 2/1/13 - 1/31/18. - RECEIVED & FILED |
| 12. | MAYOR HEALY: | ADVISE OF RE-APPT OF DONALD PETERSON TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM EFFECTIVE 1/1/13 - 12/31/13. - RECEIVED & FILED |

COMMUNICATIONS CONTINUED:

13. MAYOR HEALY: ADVISE OF RE-APPT OF STEVE KATZ TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM EFFECTIVE 1/1/13 - 12/31/13. - RECEIVED & FILED
14. MAYOR HEALY: ADVISE OF RE-APPT OF ROBERT THOMPSON TO CANTON COMMUNITY IMPROVEMENT CORP FOR 1 YR TERM EFFECTIVE 1/1/13 - 12/31/13. - RECEIVED & FILED
15. MAYOR HEALY: AUTHORIZE RE-APPT OF DONALD PETERSON TO CANTON RECREATION BOARD EFFECTIVE 1/1/13 - 12/31/17. - PERSONNEL COMMITTEE
16. MAYOR HEALY: AUTHORIZE RE-APPT OF STEVE LAMIELL TO BOARD OF ZONING APPEALS FOR 3 YR TERM EFFECTIVE 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
17. MAYOR HEALY: AUTHORIZE RE-APPT OF KARL "BUTCH" KRAUS TO BOARD OF ZONING APPEALS FOR 3 YR TERM EFFECTIVE 1/1/13 - 12/31/15. - PERSONNEL COMMITTEE
18. MAYOR HEALY: AUTHORIZE APPT OF JENNIFER LEWIS TO CITY'S BOARD OF ZONING APPEALS FOR 3 YR TERM EFFECTIVE 1/14/13 - 1/13/16. - PERSONNEL COMMITTEE
19. SAFETY DIRECTOR REAM: AUTHORIZE SAF DIR TO PAY MORAL OB TO OHIO BILLING INC. FOR AMBULANCE SERV PERFORMED IN NOVEMBER, 2012. - FINANCE COMMITTEE
20. SAFETY DIRECTOR REAM: REQ COUNCIL RATIFY TENTATIVE AGMT OF WAGE SCHEDULE FOR CPPA WITH CITY OF CANTON EFFECTIVE 1/1/13. - FINANCE & PERSONNEL COMMITTEES
21. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO CONTRACT W/SMITH & NEJEDLIK, INC TO COMPLETE APPRAISAL REVIEW WORK FOR 12TH ST N CORRIDOR PROJ; MAKE SUPP APPROP OF \$194,500.00 FROM UNAPPROP BAL OF CAP FUND TO 4501-202077 THE CAPITAL - 12TH ST N CORRIDOR PROJ, GP 1098; & AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
22. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO ENGINEERING CONSULTANT CONTRACT BETWEEN CITY & URS CORP FOR 11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, PID 90465, GP 1144; AUTHORIZE AUDITOR TO ESTABLISH & CREATE 4568 FUND (11TH ST SE, INTERSECTION & ROADWAY IMPROVEMENT PROJ, GP 1144) FOR PURPOSE OF TRACKING PROJ REVENUES & EXPENDITURES; MAKE SUPP APPROP OF \$247,920.00 FROM 4568 (11TH ST SE PROJ) UNAPPROP BAL TO 4568-202095 (11TH ST SE PROJ); MAKE SUPP APPROP OF \$61,980.00 FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202095 (CAPITAL - 11TH ST SE PROJ); AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT W/ OTHER PROJ STAKEHOLDERS INCLUDING BUT NOT LIMITED TO ODOT & ADJACENT PROP OWNERS; AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
23. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AGMT WITH OHIO POWER CO., AKA AMERICAN ELECTRIC POWER (AEP) FOR USE OF EXISTING AEP CONDUITS & INSTALLATION/REMOVAL OF CITY OWNED ELECTRICAL CONDUCTORS IN CONDUITS TO FACILITATE PROJ IN AMT OF \$53,031.00; AUTHORIZE TO RECV TRANSPORTATION REVIEW ADVISORY COUNCIL FUNDS (TRAC) THROUGH ODOT TO FUND COST OF BOTH CONSTRUCTION & AEP CONTRACTS; MAKE SUPP APPROP OF \$755,260.99 FROM UNAPPROP BAL OF 4567 (WALNUT/CHERRY COMPLETE STREETS PROJ FUND, GP 1153) TO 4567-202090 (WALNUT/CHERRY PROJ FUND); MAKE SUPP APPROP OF \$53,031.00 FROM UNAPPROP BAL OF 2113 (MUNI ROAD FUND, MRF) TO 2113-202090 (MRF FUND - WALNUT/CHERRY PROJ GP 1153); AND AUTHORIZE AUDITOR TO DRAW WARRANTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE

COMMUNICATIONS CONTINUED:

24. SERVICE DIRECTOR PRICE: AUTHORIZE MAYOR AND/OR SERV DIR TO EXECUTE CHANGE ORDER #1 FOR 55TH ST NE STORM SEWER PROJ, GP 1125 CONTRACT #2011-38 W/CTI ENGINEERS, INC FOR AMT OF \$37,600.00; MAKE SUPP APPROP OF \$37,600.00 FROM 4501 (CAPITAL FUND) UNAPPROP BAL TO 4501-202087 (CAPITAL FUND - 55TH ST NE STORM SEWER PROJ, GP 1125); AND AUTHORIZE & DIRECT AUDITOR TO DRAW WARRANTS & MAKE PAYMENTS UPON RECEIPT OF VOUCHERS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
25. SERVICE DIRECTOR PRICE: AUTHORIZE SERV DIR OR ECONOMIC DEV DIR TO ADVERTISE FOR & RECV PROF QUALIFICATIONS FOR PROJ MGMT CONSULTING SERV FOR MAHONING ROAD CORRIDOR ECONOMIC DEVELOPMENT PROJ & ENTER INTO CONTRACT NOT TO EXCEED \$50,000.00 PER YR FOR 2 YEARS. - PUBLIC PROPERTY CAPITAL IMPROVEMENT COMMITTEE
26. TREASURER SCHIRACK: RPT OF DEPOSITS AND PAY-INS FOR DECEMBER 2012 TO AMBULANCE LOCK BOX. - RECEIVED & FILED
27. TREASURER SCHIRACK: RPT OF PARKING METER REVENUE FOR DECEMBER 2012. - RECEIVED & FILED
28. TREASURER SCHIRACK: RPT OF BANK RECONCILIATIONS AND CITY'S OUTSTANDING INVESTMENTS AS OF DECEMBER 31, 2012. - RECEIVED & FILED

ORDINANCES & FORMAL RESOLUTIONS FOR FIRST READING:

- 1ST RDG 1. AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO AN ENGINEERING CONSULTANT CONTRACT W/RICHLAND ENGINEERING LTD FOR 3RD ST SE BRIDGE REHABILITATION PROJ; PID 91972, GP 1167; AMEND APPROP O#209/2012; AUTHORIZE MAYOR AND/OR SERV DIR TO ENTER INTO COOP AGMT WITH OTHER PROJ STAKEHOLDERS; EMERGENCY
Referred to Public Property Capital Improvement Committee

(COUNCIL RECESSED AT 7:53 P.M. FOR THE FINANCE AND PERSONNEL COMMITTEES TO DISCUSS ORDINANCE #2; RECONVENED AT 7:55 P.M.)

- 1/2013 2. APPROVE CONTRACT AMENDMENTS TO COLLECTIVE BARGAINING AGMT BETWEEN CITY OF CANTON & CANTON POLICE PATROLMEN'S ASSOCIATION; EMERGENCY
Referred to Finance and Personnel Committees

ORDINANCE & FORMAL RESOLUTIONS FOR SECOND READING:

(SUSPENDED RULE 22A TO ADD O#3 - O#5)

- 2ND RDG 3. RESOLUTION TO SUBMIT BEFORE ELECTORATE OF CITY A 4.0 MILL LEVY OUTSIDE THE 10 MILL LIMITATION FOR CANTON PARK SYSTEM FOR PERIOD NOT TO EXCEED THREE YRS(PARKS & REC)
- 2ND RDG 4. AMEND VARIOUS CHAPTERS IN TITLE NINE - PEDESTRIANS, BICYCLES & MOTORCYCLES OF PART THREE - TRAFFIC CODE; PART SEVEN BUSINESS REGULATION CODE; & PART FIFTEEN - FIRE PREVENTION CODE OF CODIFIED ORDINANCES OF CITY (JUD)
- 2ND RDG 5. AUTHORIZE MAYOR &/OR SERV DIR TO NEGOTIATE & ENTER INTO LONG-TERM AGMT W/MARATHON PETROLEUM CO TO ALLOW DISCHARGE OF TREATED WATER INTO CANTON'S EXISTING NAVARRE RD SW STORM SEWER SYSTEM; AUTHORIZE AUDITOR TO ESTABLISH 5301 STORM SEWER FUND; AUTHORIZE CITY TO REC & DEPOSIT FUNDS FEES FROM MPC; EMERGENCY (PPCI)

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE:**POSTPONED UNTIL**

- 1/14/13 6. AUTHORIZE SERV DIR TO ENTER INTO LONG-TERM AGMT WITH AMERICAN LANDFILL, INC. FOR LEACHATE & SLUDGE DISPOSAL; EMERGENCY
- 2/2013 7. AUTHORIZE AUDITOR TO ENTER INTO A ONE-YEAR CONTRACT W/ACS GOVERNMENT SYSTEMS INC., IN AMT NOT TO EXCEED \$25,000.00 FOR REMOTE DATABASE ADMIN SVCS; EMERGENCY

POSTPONED UNTIL

- 1/14/13 8. AUTHORIZE AUDITOR TO ENTER INTO A THREE-YEAR EXTENSION THROUGH JUNE 27, 2016 W/IMMIX TECHNOLOGY INC., IN AMT NOT TO EXCEED 4% OF THE CURRENT RATE, FOR CONTINUED USE OF THE KRONOS TIME & ATTENDANCE SOFTWARE; EMERGENCY
- 3/2013 9. AUTHORIZE AUDITOR TO ENTER INTO THREE-YEAR EXTENSION THROUGH SEPTEMBER 30, 2016 W/ACS GOVERNMENT SYSTEMS INC., IN AMT NOT TO EXCEED \$65,000.00 PER YEAR, FOR CONTINUED USE OF BANNER SOFTWARE; EMERGENCY

ORDINANCES & FORMAL RESOLUTIONS FOR THIRD/FINAL READING & VOTE CONTINUED:

- 4/2013** 10. AMEND SECTION 761.01, COMMERCIAL HAULER'S LICENSE; SECTION 763.04, TAXICAB COMPANY'S LICENSE, REQUIREMENTS & LICENSE FEE; SECTION 763.07, LICENSING EXPIRATION; RENEWAL; & CHAPTER 1507, DEMOLITION OF BLDGS (REPEALED), OF CODIFIED ORDINANCES OF CITY OF CANTON
- 5/2013** 11. AUTHORIZE SERV & SAF DIRECTORS TO ADVERTISE, RCV BIDS & ENTER INTO CONTRACT FOR SUPPLY ITEMS, MATERIALS & PROF SVCS FOR CITY OF CANTON'S OPERATIONS DURING THE 2013 CALENDAR YR; AUTHORIZE ALTERNATIVELY THE PURCHASE OF SAID ITEMS PURSUANT TO THE STATE COOP PURCHASING AGMT AND/OR ODOT PURCHASING AGMT; EMERGENCY _____

ANNOUNCEMENT OF COMMITTEE MEETINGS:

THURSDAY, JANUARY 10, 2013 in Council Caucus Room at 5:30 P.M.

Council Goals Meeting

MONDAY, JANUARY 14, 2013 in Council Caucus Room at 6:15 P.M.

1) Personnel Committee

2) Public Property Capital Improvement Committee

MISCELLANEOUS BUSINESS: President Schulman states that Ed Balint from the Repository will be moving to cover the Courts and he will be replaced by Matt Rink. Matt has been working at the Massillon Independent but will now be covering Canton Council and administration so please welcome him. The leachate Ordinance continues to be discussed with the Service Director but there are just no good choices in this matter. The Council and the administration is concerned about the outcome. Some of the speakers suggest that Council does not care and that safety is not an issue but please keep in mind that we live in this community as well and we would never want the current or future generations to be harmed. It is an insult to us for you to think otherwise. Member Cirelli suggests that people may want to go see The Promised Land, a movie that is out about fracking. Member Smith says there is a misprint in the Repository and the Ward 4 meeting for Wednesday the 9th is listed at 5 PM but it is really at 6:00 PM. Service Director Price wanted to address a couple of incorrect statements made by one of the public speakers earlier this evening regarding Alliance City Council. The city was fined by the EPA for a raw sewage discharge but this issue had nothing to do with American Landfill. Canton incinerates sludge down to ash and then it is taken to the landfill. There is no safer way to deal with sludge. The city's processing fee for sludge with go from \$17.00 a wet ton to \$45.00 if the contract is not entered into with American Landfill under the current 3 year agreement. Member West states that someone had suggested that the sludge that is now going to landfills could be used for farming. Does the Service Director have any knowledge of this? Service Director Price says that from the Gulf of Mexico up to Lake Erie you will now see new types of algae that has not been seen since pre-EPA. This is called the land-apply and since some use this sludge for fertilizer it can now get into the water supply so that is why he is against trying to sell sludge that way. Member West thanked the Service Director for the education and also stated that he will be having a Ward 2 meeting on January 17th at 4:30. He will then host Redflex for a community question and answer session at 6:00 PM following the meeting. Member Fisher announced that Sherrod Brown's daughter Emily had her first son over the weekend. Law Director Martuccio must add to the cauldron of concerns that there are evil and difficult choices to make in the industrial society. These situations must be dealt with by somebody, somewhere. We will pay the price accordingly for our sludge processing based on the decisions that are made here but all decisions come with consequences. Member Cirelli asked what is currently being done to process the city's sludge. Service Director Price states that it is put through a bell press and then incinerated. Member Cirelli then asked why it could not be burned and used for our own electricity like she had asked in the past. Service Director Price said that when this is used for electricity, the process relies on methane gas. A couple of companies have approached the city regarding this process but with the needs to complete the process it would cost the city about \$30.00 per wet ton more than it costs now.

ADJOURNMENT: 8:34 P.M.

THE NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, JANUARY 14, 2013 @ 7:30 PM